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Paper Number

In re application of

John J. Curro et al.

Serial No. 09/886,730

Filed: June 21, 2001

For: ELASTIC LAMINATE WEB

:
: DECISION ON
: PETITION
:

DECISION

This is a decision on the PETITION, filed on November 4, 2003, requesting entry and consideration of Applicants' enclosed copy of a substitute photograph encompassing Figures 1 and 2. It is stated that the original photograph was erroneously submitted to the Office on October 29, 2003 as an attachment to John Curro's Declaration under 37 C.F.R. 1.132. The instant PETITION appears to contain only a request to the examiner for substitution of the enclosed photograph. Accordingly, there does not appear to be a petitionable issue detailed in the PETITION. Specifically, the request does not pertain to a specific "action or requirement" made by the examiner in the *ex parte* prosecution of the application, as required by a PETITION filed under 37 C.F.R. 1.181. Moreover, there does not appear to be an intention on considering the PETITION under 37 C.F.R. 1.59 to expunge papers from the patent application file, since none of the requirements under 37 C.F.R. 1.59 have been fulfilled. Thus, this PETITION is being forwarded to the examiner to treat the merits of the PETITION as a request.

Accordingly, this PETITION is dismissed.

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